## FEDERAL TORT CLAIMS ACT COVERS CLAIMS OF MILITARY PERSONNEL

Brooks v. United States, 69 S.Ct. 918.

The Supreme Court has given the final answer to the interesting question whether or not the Federal Tort Claims Act, 28 U.S.C.A. §§ 1346, 2671 et seq., includes claims for injury or death of members of the armed forces not incident to their military service.

Reversing an opinion by the Fourth Circuit, the Supreme Court, by Mr. Justice Murphy, has held that such claims come within the act. But the court remanded to the Court of Appeals for its consideration the problem whether or not the amount payable under servicemen's benefit laws should not be deducted or taken into consideration.

Mr. Justice Frankfurter and Mr. Justice Douglas dissented.